

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., et al.,

Defendants.

Civil No. 2:22-cv-00293-JRG
(Lead Case)

JURY TRIAL DEMANDED

**SAMSUNG'S MOTION TO EXCEED PAGE LIMITS FOR DECLARATION AND
EXHIBITS SUPPORTING MOTION FOR LIMITED RELIEF FROM PROTECTIVE
ORDER**

Defendant Samsung moves for leave to file 138 pages of a supporting declaration and exhibits to support its Motion for Limited Relief from Protective Order (the "Motion"), in excess of the page limits imposed by paragraph 10 of the Discovery Order. Samsung conferred with opposing counsel regarding this motion and Netlist indicated it does not oppose provided Samsung agrees to a reciprocal expansion of the exhibit page limit for Netlist's response.

Samsung moves for leave to ensure that the Court has access to representative documents it seeks to provide to the Central District of California ("CDCA") court, as described in its Motion, as well as transcripts from related proceedings in CDCA relevant to the Motion. Samsung is mindful of the Court's limited time and resources. However, Samsung submits this motion so that the Court may have sufficient explanation of the facts and issues. Samsung does not seek leave to put irrelevant or duplicative information before the Court. Therefore, in order to minimize the burden on the Court, Samsung proposes to attach only a representative sample of documents referenced in the Motion, rather than all of the subject documents. If, however, the Court would prefer to review all documents addressed by the Motion, Samsung can provide copies of those as well.

Accordingly, Samsung respectfully requests that it be granted leave to exceed the Court's page limit for a declaration and exhibits supporting its Motion.

Dated: June 25, 2024

Respectfully submitted,

/s/ Marc J. Pensabene

Marc J. Pensabene

Marc J. Pensabene
NY Bar No. 2656361
mpensabene@omm.com
O'MELVENY & MYERS LLP
1301 Avenue of the Americas
Suite 1700
New York, NY 10019
Telephone: (212) 326-2000
Facsimile: (212) 326-2061

Amy R. Lucas
CA Bar No. 264034
alucas@omm.com
O'MELVENY & MYERS LLP
400 South Hope Street, 18th Floor
Los Angeles, California 90071
Telephone: (213) 430-6000
Facsimile: (213) 430-6400

Melissa Richards Smith
melissa@gillamsmith.com
GILLAM & SMITH, LLP
303 South Washington Ave.
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

J. Travis Underwood
Texas Bar No. 24102587
travis@gillamsmithlaw.com
GILLAM & SMITH, LLP
102 North College Avenue, Suite 800

Alice J. Ahn
CA Bar No. 271399/DC Bar No. 1004350
aahn@cov.com
COVINGTON & BURLING LLP
415 Mission Street, Suite 5400
San Francisco, CA 94105
Telephone: (415) 591-7091
Facsimile: (415) 955-6571

Ruffin B. Cordell
TX Bar No. 04820550
cordell@fr.com
Michael J. McKeon
D.C. Bar No. 459780
mckeon@fr.com
Lauren A. Degnan
D.C. Bar No. 452421
degnan@fr.com
Daniel A. Tishman
DC Bar No. 1013923
tishman@fr.com
FISH & RICHARDSON P.C.
1000 Maine Avenue, SW
Washington, DC 20024
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

Francis J. Albert
CA Bar No. 247741
albert@fr.com
FISH & RICHARDSON P.C.
12860 El Camino Real, Ste. 400

Tyler, Texas 75702
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Brian R. Nester
DC Bar No. 460225
bnester@cov.com
COVINGTON & BURLING LLP
One CityCenter 850 Tenth Street, N
Washington, DC 20001-4956
Telephone: (202)-662-6000

Thomas H. Reger II
reger@fr.com
Texas Bar No. 24032992
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, Texas 75201
Telephone: (214) 747-5070
Facsimile: (214) 747-2091

*Attorneys for Defendants Samsung Electronics Co., Ltd.;
Samsung Electronics America, Inc.; and Samsung Semiconductor, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on June 25, 2024. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A) and via electronic mail.

/s/ Melissa R. Smith

CERTIFICATE OF CONFERENCE

I hereby certify that, pursuant to L.R. 7(h), our team met and conferred with counsel of record for Netlist on the subject of this motion on June 24, 2024. Netlist indicated it does not oppose provided Samsung agrees to a reciprocal expansion of the exhibit page limit for Netlist's response

/s/ Melissa R. Smith